

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE:
DOUGLAS J BAXTER

CASE NO. 16-57318

CHAPTER 13

DEBTOR

JUDGE JOHN E. HOFFMAN JR.

OBJECTION TO CONFIRMATION

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Comes now Faye D. English, Chapter 13 Trustee and objects to confirmation of the plan and would show this Court that in the above-referenced case the Court should enter an order denying confirmation for the reasons set forth below and dismissing the case pursuant to 11 USC §1307(c) for the following:

- X The Chapter 13 Statement of Financial Affairs, Plan, Means Test, or Schedules must be amended to reflect the changes in the following areas: Plan fails to provide a Lien Retention and Interest Rate under Section C(1). Schedule B fails to indicate percentage of ownership of Baxter Built, LLC (Line 19). Schedule I fails to provide an attached statement showing Gross Receipts, Business Expenses and total net monthly income. The Statement of Financial Affairs Part 2, Question 5 lists Spouse's inheritance trust income in the incorrect column. Form 122C-1 and Schedule J conflict with Debtor's 341 testimony regarding household size. Form 122C-1 improperly deducts Debtor's business expenses.
- X The Plan does not meet the best interest test of 11 U.S.C. § 1325. The Plan proposes to pay unsecured creditors 0.00%, however the best interest is 9.90%.
- X Need the following documentation: Six months of pre-petition Profit & Loss statements for Baxter Built, LLC, Balance Sheet for Baxter Built, LLC, and supporting documentation for Non-Filing Spouse's Income.

Wherefore, the Trustee prays the Court deny confirmation for the reasons set forth and the case be dismissed or converted to Chapter 7, whichever shall be determined in the creditor's best interest.

Dated: 1/4/2017

Respectfully submitted,

/s/ Faye D. English

Faye D. English
Chapter 13 Trustee
One Columbus
10 West Broad St., Suite 900
Columbus, OH 43215-3449
Telephone: 614-420-2555
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Objection To Confirmation was served (i) **electronically** on the date of filing through the court's ECF System on all ECF participants registered in this case at the email address registered with the court and (ii) by **ordinary U.S. Mail** on 1/4/2017 addressed to:

Douglas J Baxter
3167 Alderridge Court
Dublin, Oh 43017

/s/ Faye D. English

Faye D. English (0075557), Chapter 13 Trustee